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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,872	01/16/2004	Te-Chen Chu	14184 B	8430
36672	7590	12/16/2005	EXAMINER	
CHARLES E. BAXLEY, ESQ. 90 JOHN STREET THIRD FLOOR NEW YORK, NY 10038			MULLER, BRYAN R	
			ART UNIT	PAPER NUMBER
			3723	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/759,872	Applicant(s) CHU, TE-CHEN	
	Examiner Bryan R. Muller	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:
 - a. The word "includes" in line 15 of the first page of the amended specification should be changed to "include".
 - b. The word "in" in line 16 of the first page of the amended specification should be deleted.
 - c. The phrase "having a much" in line 17 of the first page of the amended specification should be replaced by the word "have".
 - d. The word "structure" in line 18 of the first page of the amended specification should be changed to "structures".
 - e. The word "to" in line 2 of the second page of the amended specification should be deleted.
 - f. The word "includes" in line 28 of the third page of the amended specification should be changed to "include".
 - g. The word "bead" in lines 7 and 11 of the fifth page of the amended specification should be changed to "head".
 - h. The word "to" in line 11 of the sixth page of the amended specification should be deleted.
 - i. The period "." Found after the number "2" in line 19 of the sixth page of the amended specification should be changed to a comma ",".

- j. The word "includes" in line 3 of the seventh page of the amended specification should be changed to "include".
- k. The word "in" in line 5 of the seventh page of the amended specification should be deleted.
- l. The word "the" in line 6 of the seventh page of the amended specification should be changed to "each".
- m. The word "to" in line 7 of the seventh page of the amended specification should be deleted.
- n. The word "includes" in line 14 of the seventh page of the amended specification should be changed to "include".

Appropriate correction is required.

Claim Objections

- 2. Claim 8 is objected to because of the following informalities: The word "and" should be deleted from line 5 and of claim 8 and the word "and" in line 22 of claim 8 should be changed to a comma ",". Appropriate correction is required.
- 3. Claim 9 is objected to because of the following informalities: The word "protrudes" in line 2 of claim 9 should be changed to "protruded". Appropriate correction is required.

Claim Rejections - 35 USC § 112

- 4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The use of the word "therein" in lines 5 and 17 of claim 8 makes it unclear if the hole is formed in the sleeve socket or the protruded ear and unclear if the hollow hole is formed in the long shaft or the protruded ear, respectively.

6. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims include two different protruded ears and two different transmission gears. In some parts of the claims, it is unclear which protruded ear or transmission gear is being referred to. Please clarify the individual protruded ears and transmissions gears either by renaming one or both of the respective protruded ears and transmissions gears or by providing first and second protruded ears and transmissions gears, respectively.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chiang (6,457,386) in view of Lewis (1,324,258).

9. In reference to claim 8, Chiang discloses a wrench comprising a sleeve socket (212) including ratchet teeth (215) disposed on an inner circumference thereof, and including an upper side and a bottom side, and including a compartment (211) formed therein, a ratchet head engaged in said sleeve socket and selectively engaged with said ratchet teeth of said sleeve socket, two ring-shaped gears (27, 27') engaged on said upper side and said bottom side of said sleeve socket respectively, a transmission gear (221) rotatably received in said compartment of said sleeve socket, and meshed with said ring-shaped gears respectively and a handle (29) including a round shaft (22) rotatably engaged through said a hollow hole in the sleeve socket that connects with the compartment, and including the transmission gear secured thereto, to allow said ring-shaped gears to be rotated relative to said sleeve socket by said handle with said transmission gear. Chiang however, fails to disclose that the sleeve socket includes a protruded ear extended therefrom that has a hole formed in it, that the wrench further comprises a medium gear that is rotatably received in the hole in the protruded ear of sleeve socket and meshed with the transmission gear, the wrench further comprises a long shaft including a protruded ear that is extended from one end thereof and rotatably attached to said protruded ear of said sleeve socket and the long shaft has a hollow hole formed therein, the round shaft of the handle is rotatably engaged through the hollow hole of the long shaft and includes a second transmission gear secured thereto that is meshed with the medium gear to allow the ring-shaped gears to be rotated

relative to the sleeve socket by said handle with said medium gear, said transmission gear of said sleeve socket, and said transmission gear of said handle. Lewis discloses a ratchet type wrench that has a swing head structure that allows the handle to pivot with respect to the driving head structure wherein the wrench is driven by rotating the handle and Lewis teaches that the swing head structure allows the wrench to be used in close quarters such as in corners or against partitions or may be used in the ordinary manner (col. 1, lines 16-20). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the wrench of Chiang with a swing head structure similar to that of the Lewis invention to allow the Chiang invention to be used in close quarters such as in corners or against partitions. Therefore, the addition of the swing head structure to the wrench of Chiang would provide the sleeve socket (212) of Chiang with a first protruded ear (31 of Lewis) with a hole formed therein, provide the wrench with a medium gear (36 of Lewis) that is rotatably received in the hole in the protruded ear of the sleeve socket and meshed with a first transmission gear (38 of Lewis), further provide the wrench with a long shaft (10 of Lewis) including a protruded ear (30 of Lewis) that is extended from one end thereof and rotatably attached to said protruded ear of said sleeve socket wherein the long shaft has a hollow hole formed therein, the round shaft (13 of Lewis, 22 of Chiang) of the handle (12 of Lewis, 29 of Chiang) is rotatably engaged through the hollow hole of the long shaft and includes a second transmission gear (37 of Lewis, 221 of Chiang) secured thereto that is meshed with the medium gear to allow the ring-shaped gears to

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be rotated relative to the sleeve socket by said handle with said medium gear, said transmission gear of said sleeve socket, and said transmission gear of said handle.

10. In reference to claim, 11 Chiang further discloses that the ratchet head of the wrench includes two placing troughs (231) and a hole (232) formed therein, an initiate piece (262) inserted into said hole of said ratchet head, and two locking pieces (24, 25) received in said placing thereof respectively and each having a positioning trough (242, 252) formed therein, said initiate piece includes a positioning ball (R) engaged in said positioning trough of said locking pieces.

Allowable Subject Matter

11. Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

12. Applicant's arguments filed 10/3/2005 have been fully considered but they are not persuasive. Applicant argues that Lewis discloses Yokes, as opposed to protruded ears that provide an open structure and not an enclosed structure and that the "yokes" have a lower strength than the protruded ears that may cause the gears to be easily disengaged. However, the amended claims do not claim that the "protruded ears" provide an enclosing structure or require a particular structure to ensure strength, thus

the "yokes" of Lewis clearly read on the claimed structure of the protruded ears. Further, it may be assumed that the design of Lewis would provide sufficient strength to prevent the gears from being easily disengaged or else the invention would not function. Therefore, the obvious combination of Chiang and Lewis, as discussed supra, does teach a wrench as claimed in claims 8 and 11.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wisbey (6,070,499) and Chu (6,311,584) both disclose wrenches with two kinds of torque output, Lyon (2,791,142), Mercer (4,296,654) and Izumisawa (5,784,934) all disclose swing head structures similar to those of Lewis, as discussed supra and Chen (2003/0015070) and Lan (6,220,125) both disclose similar elements to those disclosed for locking the swing head at a desired angle.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan R. Muller whose telephone number is (571) 272-4489. The examiner can normally be reached on Monday thru Thursday and second Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on (571) 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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BRM BRM
11/30/2005